

AN ACT

ENTITLED, An Act to revise certain provisions regarding permission to carry a concealed pistol and to repeal certain requirements concerning applications to purchase a pistol.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 23-7-8.7 be amended to read as follows:

23-7-8.7. The provisions of § 23-7-8.6 do not apply to:

- (1) Records of firearms that have been used in committing any crime;
- (2) Permits to carry a concealed pistol records relating to any person who has been convicted of a felony;
- (3) Records of the serial numbers of firearms that have been reported stolen that are retained for a period not in excess of ten days after such firearms are recovered and returned to the lawful owner. However, official documentation recording the theft of a recovered weapon may be maintained no longer than the balance of the year entered and two additional years;
- (4) Firearm records that must be retained by firearm dealers under federal law, including copies of such records transmitted to law enforcement agencies;
- (5) Any on duty law enforcement officer while conducting routine verification of the validity of a permit to carry a concealed pistol;
- (6) The secretary of state for the issuance of concealed pistol permits pursuant to chapter 23-7 and any access reasonably necessary to verify information with regard to specific permits individually; and
- (7) The preservation of the triplicate copy of the application for a permit to carry a concealed pistol by the authority issuing the permit as required by § 23-7-8.

Section 2. That § 23-7-7.1 be amended to read as follows:

23-7-7.1. A temporary permit to carry a concealed pistol shall be issued within five days of application to a person if the applicant:

- (1) Is eighteen years of age or older;
- (2) Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime of violence;
- (3) Is not habitually in an intoxicated or drugged condition;
- (4) Has no history of violence;
- (5) Has not been found in the previous ten years to be a "danger to others" or a "danger to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent;
- (6) Has physically resided in and is a resident of the county where the application is being made for at least thirty days immediately preceding the date of the application;
- (7) Has had no violations of chapter 23-7, 22-14, or 22-42 constituting a felony or misdemeanor in the five years preceding the date of application or is not currently charged under indictment or information for such an offense;
- (8) Is a citizen of the United States; and
- (9) Is not a fugitive from justice.

A person denied a permit may appeal to the circuit court pursuant to chapter 1-26.

Section 3. That chapter 23-7 be amended by adding thereto a NEW SECTION to read as follows:

Any person who is active duty military with a home of record in South Dakota is considered to have met the provisions of subdivision 23-7-7.1(6).

Section 4. That § 23-7-10 be repealed.

An Act to revise certain provisions regarding permission to carry a concealed pistol and to repeal certain requirements concerning applications to purchase a pistol.

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I certify that the attached Act
originated in the

SENATE as Bill No. 33

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 33
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State